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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,346	10/25/2001	John W. von Holdt SR.	10778.00008	8313
22908	7590	07/15/2004	EXAMINER	
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			CASTELLANO, STEPHEN J	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/002,346	Applicant(s) VON HOLDT ET AL. CC	
	Examiner Stephen J. Castellano	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,8 and 9 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1, 3, 4, 8 and 9 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Letica ('080)(Letica 1), Letica ('805)(Letica 2) and Letica ('119) (Letica 3).

Letica 1 discloses the invention as best shown in Fig. 3, Letica 2 discloses the invention as best shown in Fig. 3, 5 and 7 (Fig. 3 and 7 are explained) and Letica 3 discloses the invention as best shown in Fig. 3 and 5 (Fig. 3 explained).

Letica 1, Letica 2 and Letica 3 disclose a plastic bucket comprising an upright, annular bucket wall (sidewall 22) having an inside wall radius and connecting to an annular lip, the annular lip comprising a single annular wall portion extending upwardly from the bucket wall along a diagonal path (at inset wall 34), then in an upright vertical direction forming a first vertical wall section (connecting wall 30) having an outside radius and an inside radius, then outwardly in a horizontal annular flange section (inset wall 36), and then upwardly in a vertical rim (that portion of the annular lip above second leg 41 and below bead 44 which includes portions of the arcuately shaped locking lip 46 at the inside rim wall), the vertical rim having an inside rim wall and an outside rim wall, the outside rim wall having a radius less than the inside wall radius of the annular bucket wall. Although no dimensions are discussed, it is readily apparent from Fig. 3, 5 and 7 that the relationship of the outside rim wall having a radius less than the inside wall radius of the annular bucket wall exists. All other radial dimension limitations are clearly shown.

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Note that the a horizontal annular flange section could be sloped with respect to true horizontal as the broadest definition of horizontal is defined as: of, relating to, or near the horizon (see definition in the Appendix). The sloped line of the annular flange section is near the horizon.

Note that the word “single” in the term “single, diagonal path annular wall portion” refers to one but doesn’t preclude the existence of other diagonal path annular wall portions.

Insofar as the word “sole” is used to describe the diagonal portion, there is only one diagonal path annular wall portion extending upwardly and inwardly along a diagonal path as the other sloped or inclined wall portion extends upwardly and outwardly.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letica 1, Letica 2 and Letica 3 in view of Zeni et al. (Zeni).

This rejection is made if it should be deemed that the sloped annular flange section is not horizontal and if it should be deemed that the sloped annular flange section is diagonal so that the diagonal path annular wall portion is no longer considered to be the sole diagonal annular wall portion.

Each of the Letica references discloses the invention except for the horizontal, annular flange section. Zeni teaches a similarly constructed annular lip with a single and sole, diagonal path annular wall portion, a first vertical wall section, a generally vertical rim and a single,

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horizontal (parallel to true horizontal), annular flange section integrally joining the first vertical wall section and the generally vertical rim. It would have been obvious to modify the generally horizontal annular flange section to be parallel to true horizontal as a matter of engineering design choice in choosing a section configuration which provides the ultimate amount of hoop strength by being perpendicularly oriented to the general direction (vertical) the sidewall traverses.

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 703-308-1035. The examiner can normally be reached on M-Th 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703-308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen J. Castellano
Primary Examiner
Art Unit 3727

sjc